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affect the individual. The contrast of continental and English law is brought out in such a way that misunderstandings can be made less frequent and cases of the conflict of laws can be more easily adjusted. These comparisons are carried through the whole field of law, bringing out the differences of practice—to illustrate with examples—upon the validity of marriages, the effect of marriage on property, the rules as to settlements and trusts, the nature and effect of wills, etc.

Mr. Schuster is to be congratulated upon the care taken in the nomenclature used. Evidently no pains have been spared to get exact translations of the terminology of the codes, and where no English equivalent is available the distinction between the similar English word used and the German word is always carefully brought out. This has been by no means an easy task, for the language of the codes is so highly technical that exact translation is often all but impossible.

A short historical sketch preceding the main discussion gives an idea of the chaotic condition of German state law, which was superseded by the imperial legislation culminating in the adoption of the code in 1900. German private law now consists chiefly of the civil code and the commercial code, both of which overlap so that both must be consulted to find the law on any subject. In turn they are rounded out by numerous additional statutory supplements. The ground work of the codes is the Roman law with additions from the "common law" developed in Germany, and other provisions of entirely modern character. So far as possible the language used is simple, though the intent has not ruled the outcome as much as was hoped. The methods of expression and interpretations adopted, it is claimed, admit of adaptation to new conditions, thus obviating the stock objection to a code as a body of "dead law." But no doubt this wide margin, now left to judicial discretion, will gradually disappear and the decisions will build up a new customary law. This, however, should not blind us to the fact that though not a work of permanence, codification works for the definition of principles as opposed to the casuistic irregularity so often fostered by the absence of any co-ordinated body of law.

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**Small, Albion W.** *Adam Smith and Modern Sociology.* Pp. ix, 247. Price, \$1.25. Chicago: The University of Chicago Press, 1907.

This book is a fragment of a more complete study of the relations between nineteenth century social sciences and sociology, according to a statement in the preface. This first volume undertakes to prove the following thesis: "Political economy, as viewed by Adam Smith, was the technology of a practical art which was strictly responsible to a moral philosophy that correlated all human activities. Political economy, after Adam Smith, lost its sense of connection with the large moral process, and became the mystery of the craft of the capitalizer. We propose an inspection of Adam Smith's economic system, for the purpose of showing that in his mind there was no

antithesis, still less a divorce, between economic technology and sociology; and that the organization of the two in his philosophy rested upon a general conception of the subordinate relationship of all specific activities within an inclusive moral system, to which, in effect, though not in detail, all students of society must ultimately return."

Probably most careful students of Adam Smith, taking account of the "Theory of Moral Sentiments" as well as the "Wealth of Nations," will admit that the great apostle of individual liberty was first a moral philosopher, and only secondarily an economist. This idea Professor Small develops in his own peculiar terminology, making abundant citations from the "Wealth of Nations." Adam Smith's social, or as our author prefers to call it, sociological point of view, is contrasted with that of the classical economists, who were so intent on increasing production as to forget that more wealth is worth while only as it means increased welfare, and that welfare depends quite as much on just distribution as on increased production.

The most interesting chapter in the book is that on "The Economics and Sociology of Labor," which contains a suggestive criticism of Adam Smith's use of the slippery word "natural," and our use of the equally elusive "normal." To assume that competition or the private ownership of land and machines, or any particular feature of the present system of distribution, is "normal," is to incur the danger of the question-begging epithet, no matter how carefully one may define his terms. Professor Small maintains that there is a fundamental difference between claims to material goods based on labor, and claims based on conventionality, the former being essential, the latter only institutional. We are unable to agree that labor itself constitutes a valid claim to income, as the argument of the book seems to indicate. Income from labor, no less than that from property, must justify itself on the ground of social utility.

To return to the argument of the book, economics is a purely technological discipline, judging conduct solely with reference to its effects on wealth. It furnishes an indispensable part of the data for that larger moral judgment which it is the special province of the sociologist to make, and which has for its criterion social welfare or progress. The claim advanced for sociology is not a particularly new one, but it is presented in a rather striking fashion. If one may judge at all by the recent literature of economics, however, the economists have no idea of letting themselves be shut up within the narrow bounds here laid down. Dispute as we may over names, the cheering fact remains that we are all beginning to study the social sciences from the viewpoint of human welfare.

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**Smith, Samuel G.** *The Industrial Conflict.* Pp. 217. Price, \$1.00. New York: Fleming H. Revell Company, 1907.

This study, by a member of the department of sociology in the University of Minnesota, is said by its author to differ "from all that has been written